

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF NEW YORK**

ANTHONY CARPINELLO, et al.,

Plaintiffs,

-against-

STEPHEN LEIUS,

Defendant.

## MEMORANDUM & ORDER

12-CV-1091 (ENV)

**VITALIANO, D.J.**

Defendant and counter-claimant Stephen Leius moved for a joinder of a party, Carp Construction (“Carp”), as a counter defendant (Dkt. No. 18), pursuant to Federal Rules of Civil Procedure 19 and 20. This Court referred the case to Magistrate Judge Steven M. Gold for determination as to whether Leius’s motion should be granted.

Following a review of the relevant submissions, Judge Gold issued a Report and Recommendation (“R & R”) on October 1, 2012 (Dkt. No. 22), recommending that the motion for joinder be granted, noting that the motion was unopposed and the relief sought would not destroy diversity of citizenship necessary for this Court’s jurisdiction. No objections to Judge Gold’s R & R have been filed.

In reviewing a report and recommendation, the court “may accept, reject, or modify, in whole or in part, the findings and recommendations made by the magistrate judge.” 28 U.S.C. § 636(b)(1)(C). However, in order to accept a magistrate judge’s report and recommendation where no timely objection has been made, the “court need only satisfy itself that there is no clear error on the face of the record.” Urena v. New York, 160 F.Supp.2d 606, 609–10 (S.D.N.Y. 2001) (quoting Nelson v. Smith, 618 F.Supp. 1186, 1189 (S.D.N.Y. 1985)).

After careful review of the record, the Court finds Judge Gold's R & R to be correct, comprehensive, well-reasoned, and free of any clear error. The Court, therefore, adopts the R & R in its entirety as the opinion of the Court. Accordingly, for the reasons stated in the R & R, defendant's motion for joinder of Carp as a counter defendant is granted.

The Clerk is directed to enter judgment.

**SO ORDERED.**

Dated: Brooklyn, New York  
January 9, 2013

s/ENV

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ERIC N. VITALIANO  
United States District Judge